

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION

JEFF FOURNIER and DEBBIE	§	
FOURNIER, Individually and as	§	
Next Friend of minor T.F., and AUSTIN LANE	§	
LATHAM	§	
	§	
Plaintiffs	§	
	§	
VS.	§	C.A. NO. 2:09-CV-00297-J
	§	
MYNOR H. PIRIR, Individually and d/b/a	§	
MYNOR'S TRUCKING, BELL TRUCKING	§	
COMPANY, INC., KATHRYN ANTALEK, MG	§	
LOGISTICS INCORPORATED, JELLER	§	
LAURENTIU, JIMMY L. HARRIS, JOHNNY	§	
ALLEN KINIKIN, AMERICAN MILK	§	
TRANSPORT, LLC, and DWAYNE CALVIN	§	
RITCHEY	§	
	§	
Defendants.	§	JURY DEMANDED

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**DEFENDANTS' ORIGINAL ANSWER**

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*TO THE HONORABLE JUDGE OF SAID COURT:*

COME NOW BELL TRUCKING COMPANY, INC., and KATHRYN ANTALEK, Defendants in the above-entitled and numbered cause (hereinafter referred to as "Bell Trucking," "Antalek" or Defendants"), and file this Original Answer to Plaintiffs' First Amended Original Complaint, and would show unto the Court as follows:

**GENERAL DENIAL**

1. Defendants deny each and every, all and singular, the material allegations contained in Plaintiffs' First Amended Original Complaint and demand strict proof thereof in accordance with the laws of the State of Texas.

**SPECIFIC RESPONSES TO ALLEGATIONS IN PLAINTIFFS'  
FIRST AMENDED COMPLAINT**

2. Defendants deny the averments in Paragraph 1 of Plaintiffs' First Amended Original Complaint.

3. Based on information and belief, Defendants admit the averments in Paragraph 2 of Plaintiffs' First Amended Original Complaint.

4. Defendants admit the averments in Paragraph 3 of Plaintiffs' First Amended Original Complaint.

5. Defendants admit the averments in Paragraph 4 of Plaintiffs' First Amended Original Complaint.

6. Defendants admit the averments in Paragraph 5 of Plaintiffs' First Amended Original Complaint..

7. Defendants admit the averments in Paragraph 6 of Plaintiffs' First Amended Original Complaint.

8. Defendants admit the averments in Paragraph 7 of Plaintiffs' First Amended Original Complaint.

9. Defendants admit the averments in Paragraph 8 of Plaintiffs' First Amended Original Complaint.

10. Defendants admit the averments in Paragraph 9 of Plaintiffs' First Amended Original Complaint.

11. Defendants admit the averments in Paragraph 10 of Plaintiffs' First Amended Original Complaint.

12. Defendants admit the averments in Paragraph 11 of Plaintiffs' First Amended Original Complaint.

13. Defendants admit the averments in Paragraph 12 of Plaintiffs' First Amended Original Complaint.

14. Defendants admit the averments in Paragraph 13 of Plaintiffs' First Amended Original Complaint.

15. Defendants deny the averments in Paragraph 14 of Plaintiffs' First Amended Original Complaint.

16. Defendants cannot admit or deny the averments in Paragraph 15 as to the Defendants Mynor H. Pirir, Individually and d/b/a Mynor's Trucking, MG Logistics Incorporated, Jimmy L. Harris or American Milk Transport, LLC. Defendants admit the averments in Paragraph 15 as to Bell Trucking Company, Inc.

17. Defendants deny the averments in Paragraph 16 of Plaintiffs' First Amended Original Complaint.

18. Defendants denies the averments in Paragraph 17 of Plaintiffs' First Amended Original Complaint, with the exception of Kathryn Antalek was operating the vehicle while in the course and scope of her employment with Bell Trucking Company, Inc.

19. Defendants cannot admit or deny the averments in Paragraph 18 of Plaintiffs' First Amended Original Complaint.

20. Defendants cannot admit or deny the averments in Paragraph 19 of Plaintiffs' First Amended Original Complaint.

21. Defendants cannot admit or deny the averments in Paragraph 20 of Plaintiffs' First Amended Original Complaint.

22. Defendants deny the averments in Paragraph 21 of Plaintiffs' First Amended Original Complaint.

23. Defendants deny the averments in Paragraph 22 of Plaintiffs' First Amended Original Complaint.

24. Defendants deny the averments in Paragraph 23 of Plaintiffs' First Amended Original Complaint.

25. Defendants deny the averments in Paragraph 24 of Plaintiffs' First Amended Original Complaint.

26. Defendants cannot admit or deny the averments in Paragraph 25 of Plaintiffs' First Amended Original Complaint.

27. Defendants deny the averments in Paragraph 26 of Plaintiffs' First Amended Original Complaint.

28. Defendants deny the averments in Paragraph 27 of Plaintiffs' First Amended Original Complaint.

29. Defendants deny the averments in Paragraph 28 of Plaintiffs' First Amended Original Complaint.

30. Defendants deny the averments in Paragraph 29 of Plaintiffs' First Amended Original Complaint.

31. Defendants deny the averments in Paragraph 30 of Plaintiffs' First Amended Original Complaint.

32. Defendants deny the averments in Paragraph 31 of Plaintiffs' First Amended Original Complaint.

33. Defendants deny the averments in Paragraph 32 of Plaintiffs' First Amended Original Complaint.

34. Defendants admit the request for a jury trial in Paragraph 33 of Plaintiffs' First Amended Original Complaint.

35. Defendants deny the relief requested in Plaintiffs' prayer.

**AFFIRMATIVE DEFENSES**

36. Defendants plead the affirmative defense of sole proximate cause.

37. Defendants further plead the affirmative defense of contributory/comparative responsibility.

**PRAYER**

38. WHEREFORE, PREMISES CONSIDERED, Defendants pray that all relief requested by Plaintiffs be denied, that judgment be entered, that Plaintiffs take nothing against Defendants, and that Defendants recover their court costs, attorney's fees, and such other and further relief, at law or in equity, to which Defendants may be justly entitled.

Respectfully submitted,

By: /s/ Paul Bezney  
PAUL A. BEZNEY  
State Bar No. 00787077  
Steven B. Loomis  
State Bar No. 00793177

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BELL TRUCKING COMPANY, INC. and  
KATHRYN ANTALEK

**CERTIFICATE OF SERVICE**

This is to certify that on this, the 15th day of January, 2010, a true and correct copy of the above and foregoing document has been forwarded to the counsel of record, as indicated below:

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Cynthia A. Cook  
Law Offices of Michael Handy  
1200 Summit Avenue, Suite 500  
Ft. Worth, Texas 76102

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/s/ Paul Bezney  
Paul A. Bezney  
Steven B. Loomis

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**Northern District of Texas**

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**Filer:** Bell Trucking Company, Inc.  
Kathryn Antalek

**Document Number:** 12

**Docket Text:**

**ANSWER to [7] Amended Complaint, filed by Bell Trucking Company, Inc., Kathryn Antalek (Bezney, Paul)**

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